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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Juan PEREZ-SANCHEZ

Group Art Unit : Not Yet Assigned

Appl. No. : 10/823,716

Examiner : Not Yet Assigned

Filed : April 14, 2004

For : ADJUSTMENT MECHANISM FOR A VARIABLE-SHAPED WING

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir :

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, Applicant hereby submits a copy of a German Office Action (together with its English language translation) that was mailed on March 12, 2004, with respect to patent family member German Patent Application No. 103 17 258.0, in which the following documents were cited:

- (1) European Patent Specification Publication No. EP 0 860 355, which was published on August 20, 2003. Applicant notes that this document is cited on page 1 of the specification of the present application;
- (2) German Patent Publication No. DE 102 02 440, which was published on October 2, 2003. Applicant notes that this document is cited on page 17 of the specification of the present application;

(3) German Patent Publication No. DE 680 525, which was published on August 31, 1939. Applicant notes that this document is cited on page 1 of the specification of the present application;

(4) U.S. Patent No. 4,349,169 to McANALLY, which issued on September 14, 1982. Applicant notes that this document is cited on page 1 of the specification of the present application; and

(5) German Patent Application Publication No. DE 100 09 157, which was published on September 13, 2001. Applicant notes that this document is cited on page 22 of the specification of the present application.

Moreover, the German Examiner provided the following comments with regard to the cited documents:

The applicant has described the subject matter of the application on 21 pages and with 22 figures. In 18 claims the applicant has stated what it wishes to have placed under protection. The applicant has supported the prior art, the starting point from which it drew up the application for protection, with documents (1) through (4). The examination is based on these documents from the date of application.

From document (5), in particular Fig. 12 and 13 with explanatory illustrations, an adjustment mechanism is known to those skilled in the art that already anticipates essential features of the current claim 1. The individual structural elements of the prior art can certainly be referred to by the terms used in the application. The mode of action in the demonstrated prior art according to the document (5) is the same as in the subject matter of the application. However, in the opinion of the examiner it is available to those skilled in the art to provide new terms for structural elements previously called ribs and stringers, without considerations of inventive quality.

The current claim 1 is therefore not allowable.

First, the claims 2 through 18 related to the main claim carrying them inevitably fall formally with it. Moreover, each considered separately they reveal no features of independently inventive significance, in so far as they

describe measures that are not purely constructive or are already known through the prior art (cf. e.g. claim 5 and document (5)).

If the applicant still sees features of independently inventive significance in the documents, it would be necessary to set forth, based on a strictly delimited application for protection clearly stating the difference from the prior art, which object is to be achieved in an inventive manner with which principle for solving the problem.

With this examination result, the grant of a patent cannot take place with the present documents.

Further to the U.S. Patent and Trademark Office's decision to waive the requirement under 37 C.F.R. §1.98 (a)(2)(i), a copy of the U.S. patent is not enclosed herewith. However, if a copy is needed, the Examiner is respectfully requested to contact the undersigned.

Applicant respectfully requests that the Examiner consider the above material and cite the same. Copies of the above-noted foreign documents are attached hereto and all of the documents are listed on the attached PTO-1449 Form. The Examiner is requested to initial the appropriate spaces on the attached Form and to return a copy of the completed Form to Applicant with the next official communication in the present application.

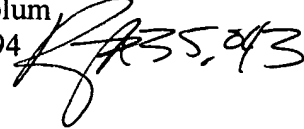
Applicant notes that an Office Action on the merits has not issued in the present application, and thus no fee is believed necessary to ensure consideration of the submitted material. However, if an Office Action on the merits has issued and is crossing this statement in the mail, the undersigned hereby authorizes the Commissioner to charge any fee necessary for the consideration of this statement, including any payment under 37 C.F.R. §1.17 (p) to Deposit Account No. 19-0089.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Juan PEREZ-SANCHEZ

A handwritten signature in black ink, appearing to read 'Neil F. Greenblum', written over a horizontal line.

Neil F. Greenblum
Reg. No. 28,394

Handwritten initials 'RA' followed by the number '35.43' in black ink.

August 30, 2004
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FORM PTO-1449

U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
P25023Application No.
10/823,716INFORMATION DISCLOSURE STATEMENT
BY APPLICANT
(Use several sheets if necessary)Applicant
Juan PEREZ-SANCHEZFiling Date
April 14, 2004Group
Unknown

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER								DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4	3	4	9	1	6	9		09/14/82	MCANALLY			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER								DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	0	8	6	0	3	5	5		08/20/03	E.P.O				
1	0	2	0	2	4	4	0		10/02/03	GERMANY				
		6	8	0	5	2	5		08/31/39	GERMANY				
1	0	0	0	9	1	5	7		09/13/01	GERMANY				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.